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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/444,774	11/22/1999	MICHAEL G MIKURAK		9073

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OPPENHEIMER WOLFF & DONNELLY, LLP (ACCENTURE)  
1400 PAGE MILL ROAD  
PALO ALTO, CA 94304

EXAMINER

DURAN, ARTHUR D

ART UNIT

PAPER NUMBER

3622

DATE MAILED: 09/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Offic Action Summary</b>	Application No.	Applicant(s)
	09/444,774	MIKURAK, MICHAEL G
	Examiner	Art Unit
	Arthur Duran	3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 22 November 1999.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-18 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_. 6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-18 have been examined.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-3, 5-9, and 11-15, 17, and 18 are rejected under 35 U.S.C. 102(e) as being unpatentable over Abgrall (6,373,498).

Claims 1, 7, and 13: Abgrall discloses a method, program, and apparatus for displaying content to a user based on a profile (Abstract and col 3, lines 28-31). Abgrall further discloses identifying a user (col 8, lines 49-51; col 3, lines 8-11; and Fig. 1), collecting information about the user wherein the information relates to the installation of a service (col 3, lines 1-8), building a profile of the user based on the collected information (col 3, lines 10-15), managing a plurality of different contents (col 2, lines 23-33), analyzing the profile and the contents in order to match

attributes of the profile of the user and attributes of the contents (col 9, lines 25-55), selecting the contents which have attributes that match the attributes of the profile of the user (col 9, lines 40-42), and delivering the selected contents to the user (col 9, lines 40-42).

Claim 2, 8, and 14: Abgrall discloses a method, program, and system as in claims 1, 7, and 13, and further discloses that the step of analyzing the profile occurs in real time (col 9, lines 50-55 and col 10, lines 20-29).

Claim 3, 9, and 15: Abgrall discloses a method, program, and system as in claims 1, 7, and 13, and further discloses identifying a time when the user last viewed the contents, and indicating portions of the contents that have been modified or added since the time when the user last viewed the contents (col 3, lines 10-15; col 4, lines 26-31; col 11, lines 34-35; and col 10, lines 20-25).

Claim 5, 11, and 17: Abgrall discloses a method, program, and system as in claims 1, 7, and 13, and further discloses allowing the user to rate the contents (col 4, line 67-col 5, line 7 and col 10, lines 22-25).

Claim 6, 12, and 18: Abgrall discloses a method, program, and system as in claims 1, 7, and 13, and further discloses that the interaction is carried out over a network (col 4, lines 32-55).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 3622

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4, 10, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abgrall (6,373,498) in view of Gerace (5,991,735).

Claims 4, 10, and 16: Abgrall discloses a method, program, and system as in claims 1, 7, and 13. Abgrall further discloses that the user is identified by receiving user input (col 4, line 67-col 5, line 7 and col 10, lines 22-25) and that digital signatures are used (col 9, lines 3-11). Abgrall does not explicitly disclose the use of cookies to identify a user. However, Gerace discloses identifying a user and his preferences using cookies (col 13, line 59- col 14, line 2). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Gerace's utilization of cookies to Abgrall's user profiling and content delivery method, program, and system. One would have been motivated to do this so that Abgrall can track users utilizing a method common to the industry that provides ease of management as Gerace discloses.

### ***Conclusion***

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Dedrick (5,724,521) discloses providing content to users based on a profile;
- b. Eggleston (6,061,660) discloses providing content to users based on a profile attained via registration and installation; and
- c. Revashetti (6,230,199) discloses providing content based on client computer configuration.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (703)305-4687. The examiner can normally be reached on Mon- Fri, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703)305-8469. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9326 for regular communications and (703)872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.

*AD*

September 10, 2002

*J. W. Myatt*  
James W. MYATT  
Patent Examiner  
Art Unit 3622